

Measure Z Committee

“REGULAR MEETING”

Thursday, June 17, 2010, 6:00 p.m.
City Council Chambers, City Hall, 3rd Floor
Oakland, California 94612

AGENDA

Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Joseph E. Villatoro	District 2	TC Everett	At Large
Richard Lee	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Wendy Herndon	City Auditor
Matt Hummel	District 5	Jeff Baker	City Administrator
Dhar Mann	District 6		

Available on-line at: <http://www.oaklandnet.com/measurez>

AGENDA

- A. Roll Call and Determination of Quorum
- B. Open Forum / Public Comment
- C. Review of the Pending List
- D. Approval of the Draft Minutes, Measure Z Committee Meeting of April 1, 2010
- E. Reports for Discussion and Possible Action:
 - 1. Final Document: Measure Z Club Cannabis Fees
 - 2. Measure Y Club Permit Payment Protocol
 - 3. Discussion: Definition of the word “private” re the Measure Z Initiative
 - 4. Cultivation Permit Regulation: Draft of Model Ordinance
- F. Announcements.
- G. Adjournment.

Persons may speak on any item appearing on the agenda; however a Speaker Card must be filled out and given to a representative of the Measure Z Commission. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

 This meeting is wheelchair accessible. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Measure Z Commission, please contact the Office of the City Clerk (510) 238-3612. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland’s policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Measure Z Commission at (510) 238-3301.

ITEM C:

REVIEW OF PENDING LIST

Measure Z Committee

Pending List and Proposed

June 17, 2010, 6:00 p.m.

Items for Discussion

Pending, No Specific Date

1. Establishment of guidelines for Measure Z club's to deal with the issue of fees to be paid by licensed Measure Z Clubs. (R. Lee / K. Stephenson) *rev. Aug 08*
2. Develop guidelines for future enforcement (D. Gieringer)
3. Draft a proposed Training Bulletin for OPD for Measure Z (modeled after the Medicinal Cannabis Training Bulletin) for the implementation of the Measure Z lowest law enforcement priority, including protocols for OFD/OPD interaction, re: encountering cultivation operations in the course of their duties (J. Anthony and K. Stephenson) *rev. Aug 08*
4. Monitor, on an ongoing basis, "private, adult" marijuana offense arrests (J. Anthony)
5. A definition of "private" as it relates to cultivation in the law (R. Lee) *rev. Aug 08*
6. Annual Report from the Measure Z Committee to the Oakland City Council (D. Gieringer 7/20/06)
7. Review of Oakland compliance / non-compliance policies with the Drug Enforcement Agency (DEA) (R. Lee/D. Gieringer 9/20/07)
8. Discussion of "clear violations" of Measure Z (ex. People packaging personal use cannabis in their homes) as part of a dialog with OPD (invite public to share stories) (J. Anthony 12/20/07)
9. Review of environmental impacts of indoor / outdoor growing and possible regulations (M. Hummel 11/19/09)
10. Licensed cannabis smoking premises in the City of Oakland (D. Gieringer 3/19/09)
11. Report from the District Attorney – conviction vs. arrest statistics for CA Health & Safety Code section 11357 – misdemeanor arrests (L. Bonett 5/21/09)

For Tracking Purposes

1. Election of Officers – March 2012

(Rev. June 1, 2010)

**ITEM D. APPROVAL OF DRAFT MINUTES,
MEASURE Z COMMITTEE
MEETING OF MAY 20, 2010**

Measure Z Committee

DRAFT
Meeting Minutes

Thursday, May 20, 2010, 6:00 p.m.
City Council Chambers, City Hall, One Frank H. Ogawa Plaza

Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Joseph E. Villatoro	District 2	TC Everett	At Large
Richard Lee	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Wendy Herndon	City Auditor
Matt Hummel	District 5	Jeff Baker	City Administrator
Dhar Mann	District 6		

DRAFT MINUTES

A. Roll Call and determination of quorum

*Members Present: D. Gieringer, J. Villatoro, T.C. Everett, L. Bonett, J. Baker, and
Chairperson R. Lee*

Members Excused: J. Anthony, M. Hummel, K. Stevenson, W. Herndon

The meeting of May 20, 2010 was called to order at 6:06 p.m..

B. Open Forum / Public Comment

There were no speakers on this item.

C. Review of the Pending List

Request to discuss issue of Monthly/Quarterly Meeting Schedule in upcoming meeting.

D. Approval of Draft Minutes

The Minutes of the April 1, 2010 meeting were approved, by consensus.

E-1 Discussion: Presentation: The Brown Act and Oakland Sunshine Ordinance, Dan Purnell, Director Ethics Commission, City of Oakland. Director Purnell provided the report. (See Attached PowerPoint.)

Member Bonett asked whether it was possible to submit a letter regarding a political endorsement signed as a member of the Measure Z Board.

Director Purnell responded the topic was outside the scope of his presentation on the Brown Act, however he would be willing to discuss the issue outside the Committee meeting.

There was one speaker on this Item:

Sandjiv Handa:

Oakland has a tendency not to comply with the Brown Act and Sunshine Ordinance. Oakland has the distinction of casting 12 “yes” votes on the passage of the Sunshine Ordinance. Generally, the City Attorney provides advice to Committee members regarding the parameters of their authority. The Brown Act requires that “the entire process of the acquisition of information, the development of concurrence and the final action must take place in public.” The safest course of action for a Board or Committee is to discuss everything in public. The final two points, you can always obtain advice from the Public General Government Unit. Secondly, advice of legal counsel is not a defense.

F. Announcements

Chairperson Lee announced fundraiser for the 2010 Initiative are upcoming, “Joke and Toke” event June 4th; another fundraiser at Acuta Restaurant near Piedmont.

Member Bonett announced the airing every Friday of Cannabis Planet, KOFY, Channel 20 and Channel 13 on Cable.

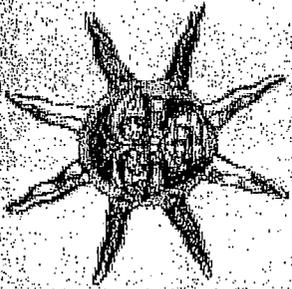
Member Baker presented Chairperson Lee with the official gavel from Members of the Measure Z Committee.

G. Adjournment

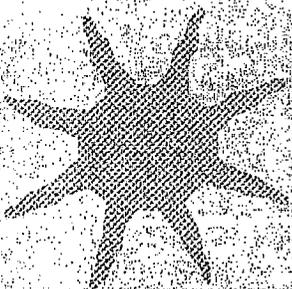
There being no further business, and upon the motion duly made, the Measure Z Committee adjourned the meeting.

Staff to the Measure Z Committee

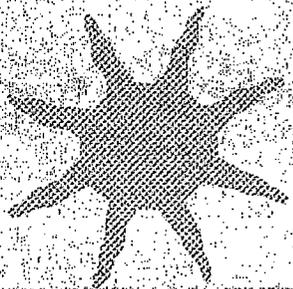
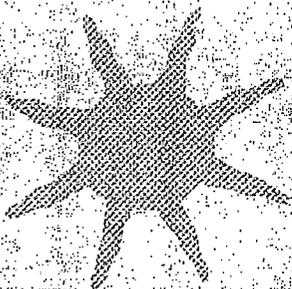
Date Adopted

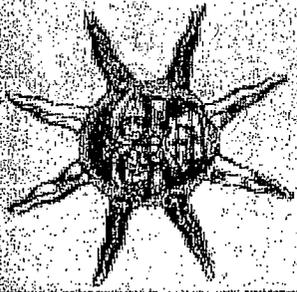


PUBLIC MEETINGS AND
CONFLICTS OF INTEREST

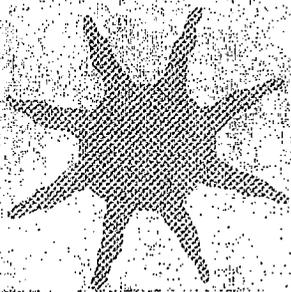


A PRESENTATION BY THE
OAKLAND PUBLIC ETHICS
COMMISSION

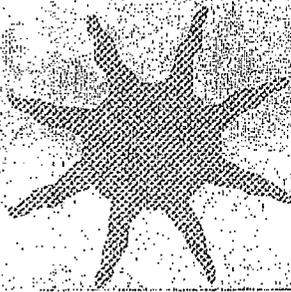




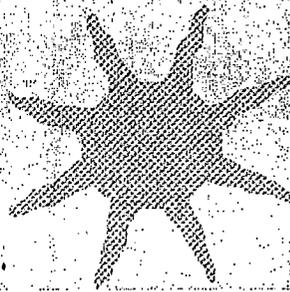
SO WHAT IS A MEETING?

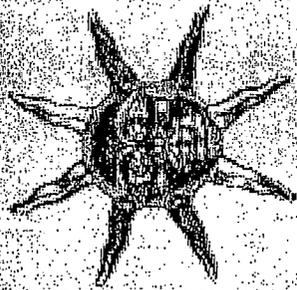


A congregation of a majority of a board in which any item within its jurisdiction is "heard, discussed, deliberated or acted upon" (includes meals before, during or after a meeting)

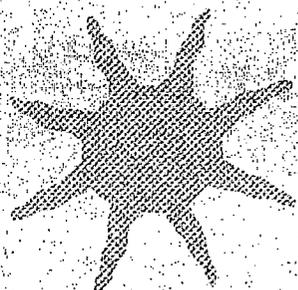
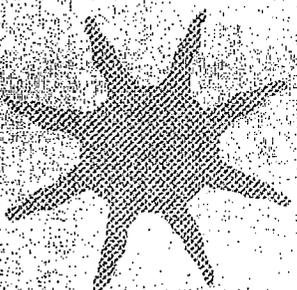
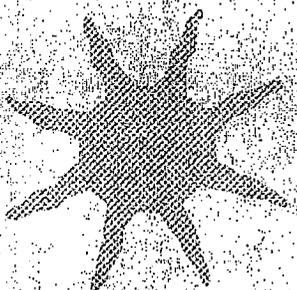


Use of direct communication or intermediaries that causes a majority to become aware of the views of other members is prohibited





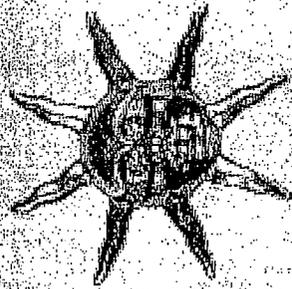
SO WHAT IS A MEETING?



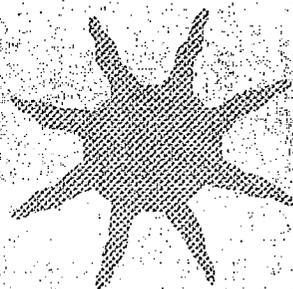
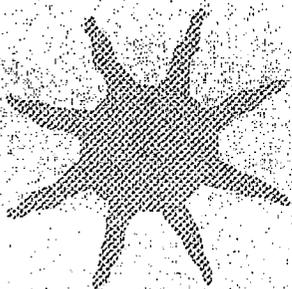
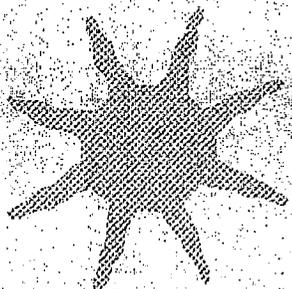
Almost any gathering by a majority to receive information, hear a proposal, or discuss views on an issue can constitute a meeting

Includes "retreats", workshops and planning sessions



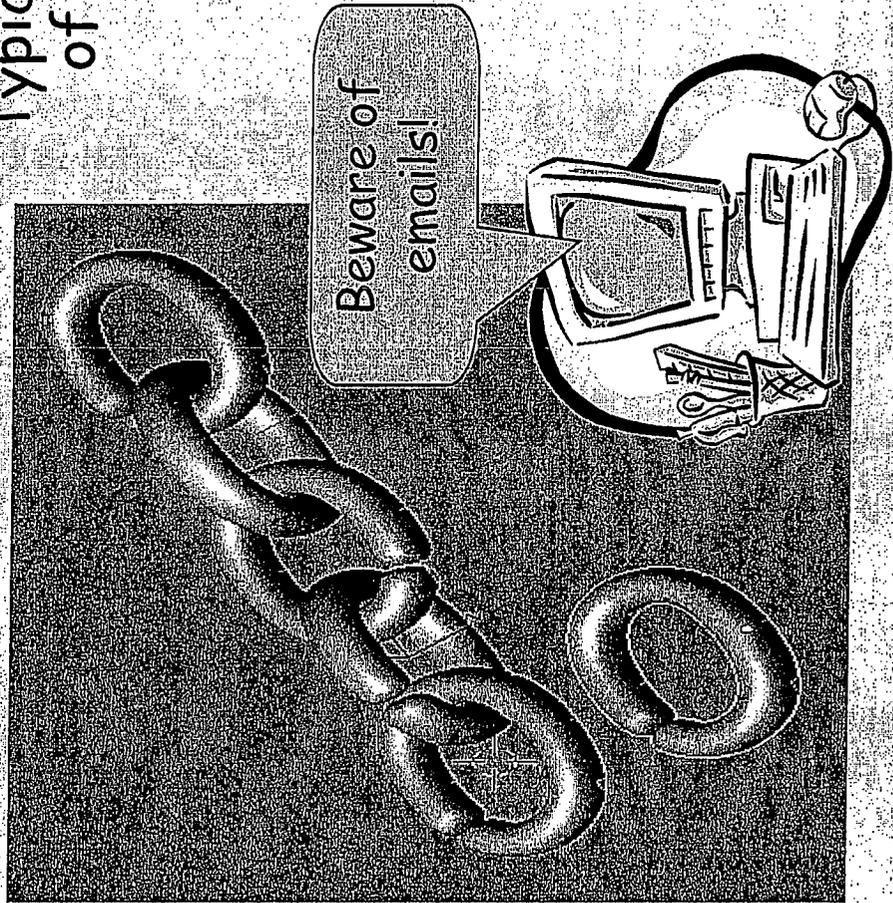


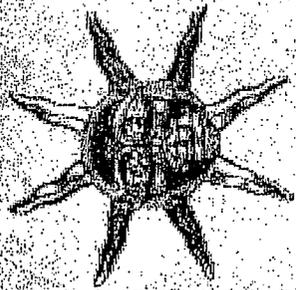
WATCH OUT FOR "SERIAL MEETINGS"



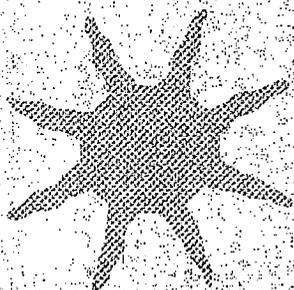
Typically occurs in one of two ways:

- Member A calls B who then calls C ("chain" meeting)
- Member A calls B and C ("hub" meeting)
- Don't be a link or a hub!

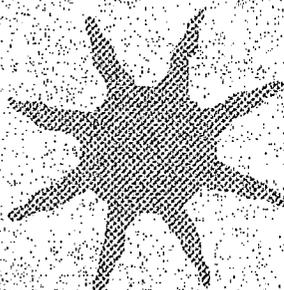




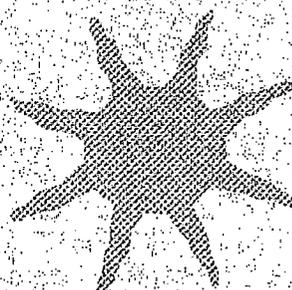
WHEN IS A GATHERING NOT A MEETING?

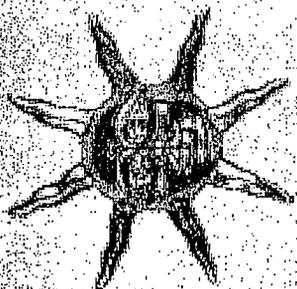


Okay to attend
conferences,
meetings of other
public agencies,
community
meetings, and
social occasions

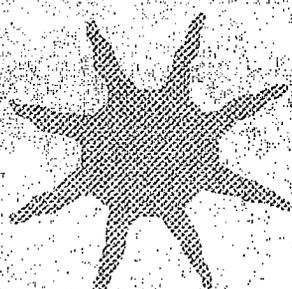
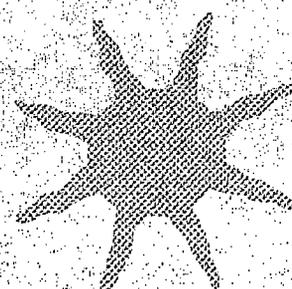
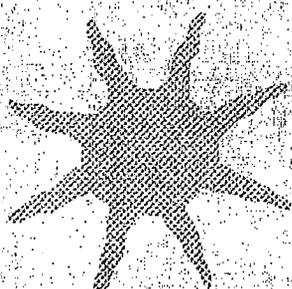


Just don't "talk
shop"

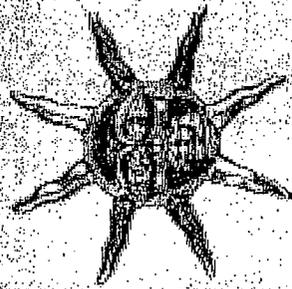




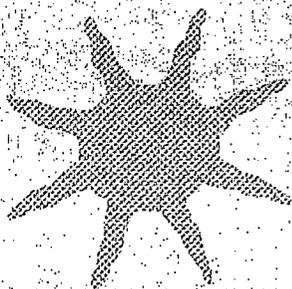
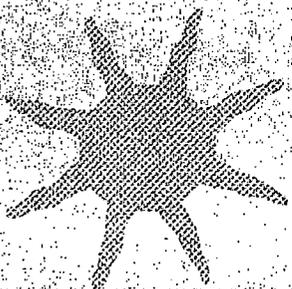
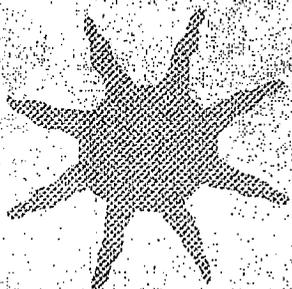
DEALING WITH PUBLIC SPEAKERS: . . .



- ★ Public has a right to speak before voting on an item
- ★ Speaking rules must be "reasonable and uniformly applied"
- ★ City policy is two minutes per speaker, per item



DEALING WITH PUBLIC SPEAKERS...



Can't prohibit
criticism of policies,
procedures, members
or staff

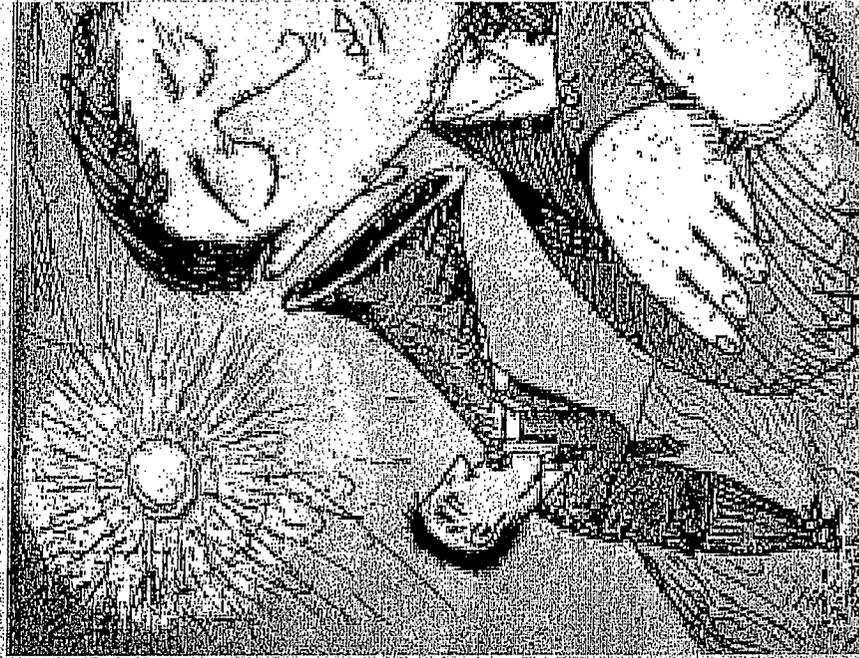
But CAN limit actual
disruptions:

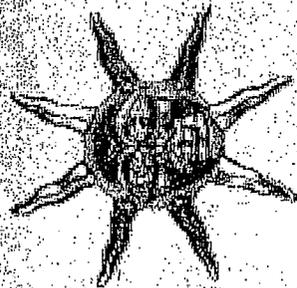
Speaking beyond time

Unduly repetitious

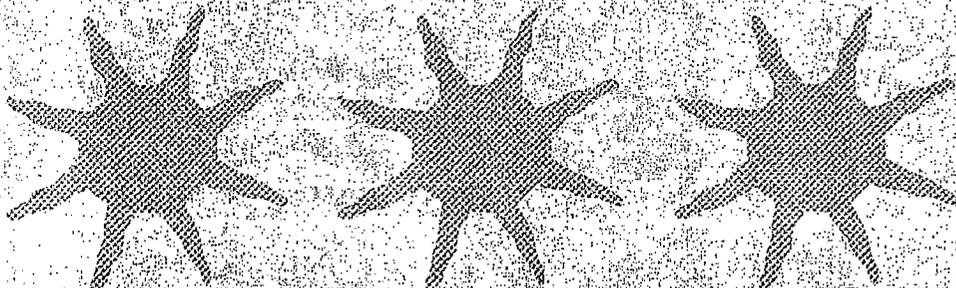
Extended Irrelevant
Discussion

Intimidation or
Threats



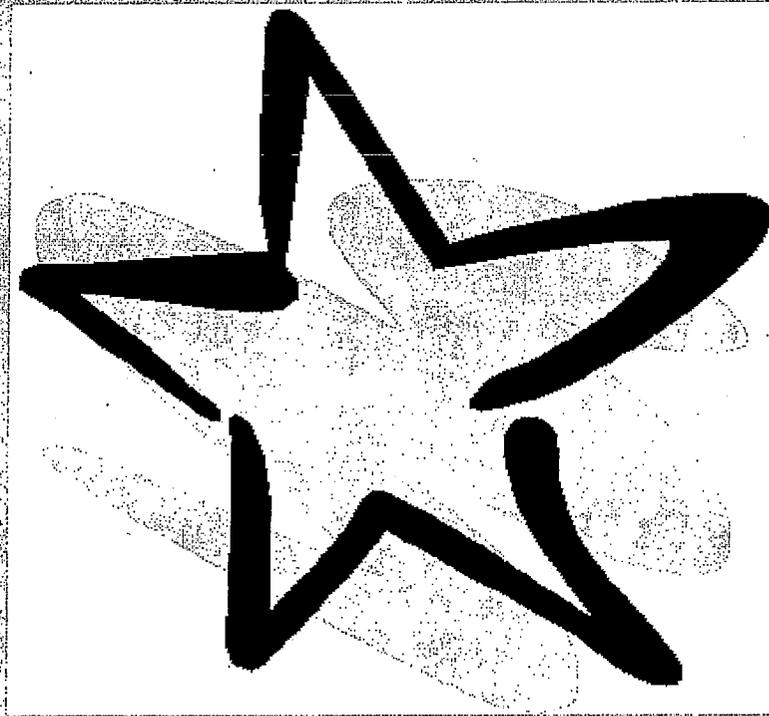


PUBLIC BODIES AND PUBLIC SPEAKERS



Best Practices:

- Direct comments "through the chair"
- Don't engage in dialogue
- Always remain courteous; maintain appearance that all comments have meaning and matter



**ITEM E-1: FINAL DOCUMENT: MEASURE Z
CLUB CANNABIS FEES**

CITY OF OAKLAND
AGENDA REPORT

TO: Oakland City Council Rules Committee
FROM: Dan Lindheim, City Administrator
DATE: June 17, 2010

RE: Recommendation from the Measure Z Committee to Urge the Oakland City Council to Adopt "Measure Z Cannabis Club Fees"

SUMMARY

During its April 1, 2010 "Special Meeting," the Measure Z Committee reviewed and considered a report from the Measure Z Subcommittee regarding proposed Guidelines for Fees for "Measure Z Clubs." The attached report is submitted for consideration by Finance and Management Committee.

Respectfully submitted,



Jeff Baker
Assistant to the City Administrator

**FORWARDED TO THE
CITY COUNCIL RULES COMMITTEE:**

OFFICE OF THE CITY ADMINISTRATOR

CITY OF OAKLAND
AGENDA REPORT

TO: Oakland City Council Rules Committee
FROM: Dan Lindheim, City Administrator
DATE: June 17, 2010

RE: Recommendation from the Measure Z Committee to Urge the Oakland City Council to Adopt "Measure Z Cannabis Club Fees"

SUMMARY:

The Oakland Cannabis Regulation and Revenue Ordinance became law in November 2004, when 65% of Oakland voters passed the Measure Z Ordinance, making private sales and private cultivation of cannabis Oakland law enforcement's lowest priority and mandated that Oakland establish cannabis tax, fee and licensing regulations, to be implemented in the event cannabis becomes legal. The goal of the ordinance is to regulate cannabis sales and to generate tax revenue for Oakland, thereby allowing Oakland's law enforcement personnel to prioritize and commit their resources in a more efficient and effective manner.

Therefore, the Measure Z Committee proposes the following guidelines for private Measure Z Clubs that are currently operating or will operate in the future.

MEASURE Z CLUBS (PROPOSED FEE AND LICENSING PLAN)

It is the opinion of this Committee that modeling cannabis sales, assessing fees and licensing requirements in a similar fashion as alcohol and/or Medical Cannabis Dispensaries (MCD) is the most effective manner in which to regulate cannabis sales under Measure Z. For the purpose of this report, "clubs" refers to cannabis "point of sale" locations.

For the purpose of assessing fees for the sale of cannabis, the following has been developed for Measure Z regulation.

1. Measure Z Club membership fees shall be determined by the number of members each club served during the previous calendar year.
2. Membership fees for each year shall be determined from club membership monthly totals from the previous year.

3. First year fees for all Measure Z Clubs shall be paid quarterly and figured annually.
4. First year fees for all Measure Z Clubs shall be due on the first, second, third and fourth quarters of the second calendar years that the club is licensed to conduct business in Oakland and quarterly for each year thereafter.
5. Measure Z Clubs will pay \$15 per member, per year. Measure Z Clubs will pay the Measure F Tax of 1.8% gross receipts tax.
6. Quarterly fee payment will be made to the OCRRO administrative staff. The Administrative staff will collect fees, keep records of fee payments and transfer all payments to the appropriate City Collections office.
7. Fee payments will be made payable to the City of Oakland.
8. Measure Z Club proprietors are responsible for completing and filing the designated City of Oakland form for identifying previous year membership totals and for the fees due for the previous year. Forms shall be due no later than January 31 of each year.
9. A 10% late fee shall be applied to all form fees when they are completed and filed after the January 31st due date and may be included to be paid in the normal course of the fee payment(s) schedule.
10. Failure to complete and file a membership form by April 1st shall result in suspension of the Measure Z Club's operating license.
11. Club business license suspension can only be rescinded and the operating license reinstated after the membership/fee form is completed, filed and after a 25% penalty of the fees due is paid in full at the time of reinstatement.
12. If, by May 1st, a club fails to complete and submit the membership/fee form, the City shall deem that the club's license is revoked. All prior year fees shall then be assessed at a 100% club membership assessment and all taxes shall be assessed and due.

13. An active member is a cardholding member who has visited the club during the previous quarter.
14. Measure Z Clubs shall be required to issue membership identification cards to all active members, following the same requirement(s) as do the MCD identification cards, to their members and are required to maintain and to quarterly submit a list of active and non-active members for each year for fee calculating purposes.
15. At a minimum, membership identifications shall include member's name, photograph and club member identification number.
16. Membership identification shall be issued only after a member applicant's identification and state law age requirement has been verified or another form of photo identification that has been issued by an agency authorized to issue identifications recognized by the State of California.
17. Club member identification numbers shall be unique to that individual. The Measure Z Club shall determine the most efficient method of assigning identification numbers to members.
18. All Oakland Measure Z Clubs shall maintain a reserve account with and be maintained and administered by the City of Oakland at a 150% club membership capacity fee amount. This account shall be utilized whenever a club terminated business within the City of Oakland and previous years' fees and/or city taxes are due.

**ITEM E-2: MEASURE Z CLUB PERMIT
PROTOCOL: (There is no
written report on this item.)**

ITEM E-3:

**DISCUSSION: DEFINITION
OF THE WORD "PRIVATE"
RE MEASURE Z INITIATIVE
(There is no written report on
this Item)**

**ITEM E-4: CULTIVATION PERMIT
REGULATION: DRAFT OF
MODEL ORDINANCE (There is
no written report on this Item.)**